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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/533,529

05/03/2005

Tatsuo Itabashi

112857-638

8980

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7590

10/05/2006

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EXAMINER

CUMMING, WILLIAM D

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/533,529

Applicant(s)

TATSUO ITBASHI

Examiner

WILLIAM D. CUMMING

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 18-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-34 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 May 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

3. **Electronic Processing of Information Disclosure Statement  
SUMMARY**

As part of its e-commerce program, the United States Patent and Trademark Office (USPTO) beginning on January 18, 2006, will begin electronic processing of the list of citations (e.g., forms 1449 or SB 08) submitted as part of an information disclosure statement (IDS) submitted in applications stored by the USPTO in image form. The USPTO will provide examiners with a tool to electronically annotate citations and electronically sign the IDS when reviewing cited references. The electronically processed IDS will be stored in the USPTO's official record as an entry in the application's image file wrapper and a copy will be mailed to applicant as part of an Office action.

#### **PLANNED IMPLEMENTATION**

The USPTO plans to make the tool to electronically process IDSs available to examiners in a staged release beginning on January 18, 2006, and ending in February 2006. Accordingly, applicants that receive numerous Office actions may receive some IDS annotated by hand while receiving other IDSs annotated by electronic means for a limited time period.

#### **ELECTRONIC ANNOTATION AND SIGNATURE**

The electronic annotation, similar to hand written annotations, will cause the initials of the reviewing examiner to be applied to either: (1) the immediate left of each citation reviewed; or (2) the immediate left of the first of several consecutive citations

and the left of the last of the consecutive citations reviewed with a line connecting the initials. Citations that have not been considered will be lined through.

The electronic signature will be in the form /John Q. Examiner/ at the bottom of the last sheet of citations of an IDS. The examiner may elect to electronically sign each sheet of citations considered.

Comments regarding this notice may be directed to Robert A. Clarke, Deputy Director – Office of Patent Legal Administration, at [robert.clarke@uspto.gov](mailto:robert.clarke@uspto.gov). Technical questions regarding the tool for electronic processing of IDS may be directed to Michael Sigda, Manager – Electronic Patent File Unit, at [michael.sigda@uspto.gov](mailto:michael.sigda@uspto.gov).

DATE: 01/24/06 /S/

### ***Drawings***

4. Figures 1-3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

In figure 2, #211, 212, 213.

6. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

7. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

8. The use of the trademark BLUETOOTH has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

9. Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

***Allowable Subject Matter***

10. Claims 18-34 are allowed.
11. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).
12. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not disclose or make obvious the claimed communication processing device comprising the claimed communication unit for performing data communication with an external device. The claimed control unit, for searching communicable access points, generating communication settings information for each searched access point as pico-cell information, performing communication information acquisition processing for generating a mapping table which stores available address information which is set in said pico-cell information corresponding to a communication protocol applicable to communication as to each access point, setting an address conforming to the communication protocol based on said mapping table, and executing communication preparatory processing for performing communication status setting processing based on said pico-cell information and the claimed memory unit for storing said mapping table and said pico-cell information.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Rutledge, et al** discloses a method of using the existing radio resources to automatically determine the current cellular topology is described. Wireless base stations are placed into a mode where they can transmit a signal which can be received by all of the base stations in range of the transmitting base station. Each base station in the system serially broadcast a signal which is received by all other base stations within the range of the transmitting base station. Each of the receiving radios determines the RSSI (Received Signal Strength Indication) at which they received the transmitted signal. The RSSI values are used to determine which base stations are physically co-located into cells and then determine the relative locations of the cells to each other.

**Cudak, et al** a method, access point device and a peripheral device provide low complexity dynamic persistence for random access in a wireless communication system. The peripheral device includes: A) a block assignment receiver, for receiving a block assignment having a source address which contains a contention address and a persistence level and identifying the contention address and reading the persistence level; B) a random number generator, coupled to the block assignment receiver, for generating a random number based on the persistence level; and C) a persistence based transmitter, coupled to the random number generator, for transmitting a payload burst

containing a resource request based on the random number and the persistence level.

**Kim, et al** teach an apparatus and method for determining a mobile station's precise three-dimensional location in a simple way, that includes a beam-forming antenna's receiving of a signal from the mobile station; measuring the distance between a wireless base station and the mobile station from the received signal; determining the mobile station's azimuth angle by horizontal scanning of the beam-forming antenna and the mobile station's elevation angle by vertical scanning of the beam-forming antenna; and updating the mobile station's distance, azimuth angle, and elevation angle at regular time intervals, thereby acquiring the mobile station's three-dimensional location simply and with precision.

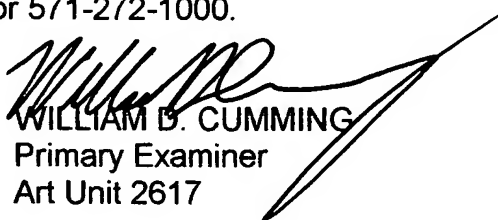
14. This application is in condition for allowance except for the above formal matters.
15. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.
16. A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM D. CUMMING whose telephone number is 571-272-7861. The examiner can normally be reached on Monday-Thursday 11am-8:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
WILLIAM D. CUMMING  
Primary Examiner  
Art Unit 2617

wdc



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